

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KENNETH M. SMITH,)	
)	
Petitioner,)	
)	
v.)	Civ. No. 05-262-SLR
)	
THOMAS CARROLL,)	
Warden, and CARL C.)	
DANBERG, Attorney)	
General for the State)	
of Delaware,)	
)	
Respondents.)	

ORDER

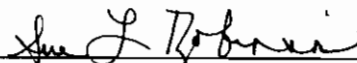
At Wilmington this 25th day of July, 2006, consistent with the memorandum opinion issued this same date; IT IS HEREBY ORDERED that:

1. Petitioner Kenneth M. Smith's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DISMISSED, and the relief requested therein is DENIED.

(D.I. 1)

2. Petitioner's motion for representation by counsel and for an evidentiary hearing is DENIED as moot. (D.I. 16)

3. The court declines to issue a certificate of appealability for failure to satisfy the standard set forth in 28 U.S.C. § 2253(c)(2).


UNITED STATES DISTRICT JUDGE